



Ohio Administrative Code

Rule 4301-5-01 State liquor stores and state liquor agencies.

Effective: December 15, 2021

(A) The division shall make the determination to open a new state liquor store or state liquor agency based upon, but not limited to, the following factors: new areas of growth in the state; a request to review an area of the state for a potential new state liquor store or state liquor agency submitted by a member of the public; the proximity of the proposed area to existing state liquor stores or state liquor agencies; the sales volume of existing state liquor stores or state liquor agencies; and the potential effect on other existing state liquor stores or state liquor agencies.

(B) When the division determines that it would be beneficial to open a state liquor agency in a particular area of the state, it will advertise in the newspaper with the greatest circulation for that area of the state for a minimum of three days for a daily newspaper, or one day in a weekly paper, for applicants interested in becoming a state liquor agent. The advertisement shall include the minimum requirements for: square footage in the sales and storage areas, lineal shelving requirements, and sales and computer equipment.

(C) The division shall evaluate state liquor agency applicants on a points system. Points will be awarded based upon the following conditions:

(1) Environmental conditions: location of the proposed state liquor agency in relation to the area's retail business district; overall appearance of the proposed state liquor agency exterior, including visible signage; handicapped accessible entrance and exit and compliance with the federal Americans with Disabilities Act of 1990, as amended; availability of off-street parking, condition of parking area, and ease of ingress and egress to the parking area; external lighting; overall condition of the interior of the proposed state liquor agency including but not limited to flooring, walls, cleanliness, and lighting; linear feet of shelving for the display of spirituous liquor; full service or self-service display; security of the retail sales area; square feet of storage for liquor inventory; security of the storage area; accommodation of delivery areas; and proposed service plan for wholesale customers.



(2) Business financial and historical information: date started and length of time engaged in this mercantile business; business credit rating; proposed partners, shareholders, or investors and the extent of their interest in the business; status with the Ohio secretary of state's office; previous mercantile business experience; business stability or financial position; financial statement and federal internal revenue service information; existing or proposed inventory; capital and other expenses to set up and operate the business; verification of sources of funds used to operate the business; proof of tenancy at the proposed state liquor agency location; and types and percentages of products sold.

(3) Personal history of interested parties: alcoholic beverage work experience including businesses owned holding division liquor permits or employment with liquor permit businesses; liquor law violations and citation history; existing or previously-held state liquor agency contracts; any criminal convictions; previous or pending bankruptcy, receivership, or other insolvency proceeding by or against the applicant; payment history of all federal, state, local, and business taxes; pending litigation involving the applicant; outstanding debts; and proof of liability insurance.

(D) The superintendent of the division shall determine which applicant shall be awarded the state liquor agency contract.

(E) For purposes of this rule, "mercantile business" means a business that sells goods or services.